



1381 U.S.P.T.O

BIRCH, STEWART, KOLASCH & BIRCH, LLP

INTELLECTUAL PROPERTY LAW

8110 GATEHOUSE ROAD

SUITE 100 EAST

FALLS CHURCH, VA 22042-1248

USA

(703) 205-8000

FAX: (703) 205-8050

(703) 698-8590 (G IV)

e-mail: mailroom@bskb.com

web: http://www.bskb.com

OTHER OFFICES:

CARLSBAD, CALIFORNIA

COSTA MESA, CALIFORNIA

LOS ANGELES, CALIFORNIA

17858 U.S.PTO
10/790746



Date: March 3, 2004

Docket No.: 0756-0124P

MS PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing under 37 C.F.R. § 1.53(b), is a Continuation-In-Part application of U.S. 09/720,338 filed on December 22, 2000. The present application is filed on behalf of the inventor(s) according to the provisions of 37 C.F.R. § 1.41(c).

Inventor(s): Franz Paul ARMBRUSTER, Wolfgang VOELTER, Jens TAMPE (formerly SCHWING), and Christian BIRKAYER

For: FUNCTIONAL VITAMIN D DERIVATIVES AND METHOD OF DETERMINING 25-HYDROXY- AND 1a,25-DIHYDROXY VITAMIN D

Enclosed are:

- A specification consisting of forty-three (43) pages
- Sixteen (16) sheet(s) of formal drawings
- Applicant claims small entity status under 37 C.F.R. § 1.27.
- Applicant does not claim priority

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- Applicant claims the right of priority under the provisions of 35 U.S.C. § 119 and 37 C.F.R. § 1.55(a) based on Application No(s). 19828379.2 and 19840435.2 filed in Germany on June 25, 1998 and September 4, 1998, respectively..
 - Certified copy(ies) is(are) attached hereto.
 - Certified copy(ies) will follow.
- Priority of U.S. Application 09/720,338, filed December 22, 2000, which is the National Stage Application of PCT International Application No. PCT/EP99/04418 filed on June 25, 1999, is claimed under 35 U.S.C. § 120.
- Executed Declaration in accordance with 37 C.F.R. § 1.64 will follow
- An assignment of the invention
- Preliminary Amendment
- Information Disclosure Statement, PTO-1449 with reference(s)
- Other:

The filing fee has been calculated as shown below:

		LARGE ENTITY		SMALL ENTITY		
BASIC FEE		\$770.00		\$385.00		
	NUMBER FILED	NUMBER EXTRA	RATE	FEE	RATE	FEE
TOTAL CLAIMS	10 - 20 =	0	X 18 =	\$0.00	x 9 =	\$0.00
INDEPENDENT CLAIMS	2 - 3 =		x 86 =	\$0.00	x 43 =	\$0.00
MULTIPLE DEPENDENT CLAIMS PRESENTED			+ \$290.00		+ \$145.00	
			TOTAL	\$0.00	\$385.00	

- A check in the amount of \$385.00 to cover the filing fee and recording fee (if applicable) is enclosed.

Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this transmittal form is enclosed.

Please send correspondence to:

BIRCH, STEWART, KOLASCH & BIRCH, LLP or Customer No. 02292
P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By M.J. Nuell
Mark J. Nuell, #36,623

DRN/TBS/bsh
0756-0124P
P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachment(s)

(Rev. 02/13/2004)